

Message Text

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22-11

ACTION AID-31

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FM AMEMBASSY ABU DHABI

TO SECSTATE WASHDC PRIORITY 3522

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E.O. 11652: N/A

TAGS : EGEN, TC, US

SUBJECT : REIMBURSABLE SERVICES: US CUSTOMS ADVISOR

REF: A. STATE 259013; B. ABU DHABI 2131; C. STATE 240670

SUMMARY: EMBASSY PRESENTED REVISED BUDGET PLAN (WITH SEVERAL FURTHER CORRECTIONS BEYOND THOSE REF A--SEE BELOW) TO DIR CUSTOMS. BASED ON HIS REACTION WE BELIEVE COST FACTOR NO LONGER AN ISSUE. DIRECTOR DID, HOWEVER, OUTLINE SEVERAL PROBLEMS/QUESTIONS WHICH MINFONAFFAIRS REPORTEDLY HAS WITH TEXT OF AGREEMENT. EMBASSY WOULD APPRECIATE DEPT VIEWS ON THESE ISSUES AS WELL AS APPROVAL OF BUDGET CHANGES WE HAVE MADE. END SUMMARY.

1. EMBASSY PREPARED REVISED BUDGET PLAN AS PER REF A AND DCM PRESENTED IT TO DIR CUSTOMS AL-SABAH NOV. 3. FOR RECORD, HOWEVER, WE MADE FOLLOWING ADDITIONAL CHANGES FROM THOSE SHOWN REF A: (A) FOR POST ALLOWANCES WE GAVE FIGURE OF \$37,640. THIS CONSISTS OF \$29,000 FOR EDUCATION. PLEASE NOTE THAT ONE OF MURPHY CHILDREN IN EIGHTH GRADE THIS YEAR AND WILL MOVE TO BAHRAIN IN 1976, HENCE HIGHER FIGURE CITED REF B. WE ALSO INCLUDED \$8,640 FOR COST OF LIVING ALLOWANCE TO WHICH WE ASSUME MURPHY ENTITLED AND WHICH AS FAR AS WE CAN SEE NOT INCLUDED ELSEWHERE. WE REACHED THIS FIGURE ON BASIS \$4,270 PER YEAR FOR MURPHY AND THREE DEPENDENTS HERE THROUGHOUT YEAR AND BY ADDING ESTIMATE

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OF \$50 PER YEAR TO COVER SUMMER VACATION PERIOD OF CHILDREN

IN BOARDING SCHOOL; (B) WE THEN REVISED OVERHEAD FIGURE TO REFLECT 9 PER CENT OF REVISED TOTAL COMING TO \$15,495.
(C) THIS GAVE REVISED GRAND TOTAL OF \$187,665.

2. AL-SABAH INDICATED GENERAL AGREEMENT WITH ALL POINTS. HE UNDERSTOOD PERSONNEL BENEFITS AND ACCEPTED MINIMUM PER DIEM. RE CAR, HE AGREED TO TRIAL PERIOD WITH CAR PROVIDED BY CUSTOMS. HE LIKewise PREPARED TO RETAIN IN AGREEMENT RIGHT OF SHIPMENT OF AUTO FROM U.S. HE ONLY CAUTIONED, HOWEVER, THAT IF SHIPMENT PERSONAL AUTO REQUIRED THEN CUSTOMS DEPT WILL NO LONGER PROVIDE CAR FOR OFF-DUTY USE. MOROVER ADVISOR WOULD BE RESPONSIBLE MAKE HIS OWN ARRANGEMENTS FOR GETTING TO AND FROM WORK JUST AS IN STATES. DCM OPINED THAT THIS SEEMED QUITE FAIR (IN FACT WE EXPECT IN PRACTICE ARRANGEMENTS FOR TRANSPORT TO AND FROM WORK WOULD BE WORKED OUT). FINALLY SABAH AGREED THAT ROUGHLY 20 PER CENT COST OF LIVING WAS IN LINE WITH HIS OWN OBSERVATIONS OF EXISTING PRICE DIFFERENTIALS. IN SHORT WE BELIEVE QUESTION OF COST OF CUSTOMS ADVISORY PROGRAM IS NO LONGER A PROBLEM.

3. AL-SABAH DID STATE, HOWEVER, THAT HE HAD SENT DRAFT AGREEMENT TO MINFOREIGN AFFAIRS. HE SAID MINISTRY WOULD BE CONVEYING ITS VIEWS TO US DIRECTLY, BUT HE GAVE INDICATION OF THREE POINTS OF POSSIBLE DIFFICULTY AS FOLLOWS:
(A) MINISTRY WISHES PARA 1 OF AGREEMENT TO BE CONSISTENT-- I.E. IT SHOULD BE BETWEEN US CUSTOMS SERVICE AND ABU DHABI (UAE) CUSTOMS SERVICE, NOT BETWEEN UAE MINISTRY AND OUR CUSTOMS SERVICE. DCM SPEAKING PERSONALLY, SAID THAT SEEMED REASONABLE AND WE WOULD SEEK SUCH AUTHORITY. (NOTE: AGREEMENT AT PRESENT IS WRONG IN ANY CASE. AS WE HAVE STATED MORE THAN ONCE (E.G. PARA 4 ABU DHABI 1468) WE ARE OFFERING ADVISORY SERVICE NOT TO UAE CUSTOMS SERVICE BUT TO CUSTOMS SERVICE OF ONLY ONE EMIRATE, ABU DHABI. AGREEMENT WILL NOT BE SIGNED BY UAE MINISTER OF FINANCE, BUT PROBABLY BY AL-SABAH EITHER IN OWN RIGHT OR ON BEHALF OF MUHAMMAD HABROUSH WHO HEADS ABU DHABI DEPT. OF FINANCE (AND, TO ADD TO CONFUSION, IS ALSO MINSTATE IN FEDERAL MINISTRY). IN ANY CASE, MAKING AGREEMENT ONE BETWEEN TWO CUSTOMS SERVICES STRIKES US AS LOGICAL.
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(B) MINISTRY IS CONCERNED BY PARA VII OF AGREEMENT. THEY ASSUME, (AS DO WE) THAT ADVISOR WILL NOT BE CARRYING DIPLOMATIC PASSPORT AND WILL NOT BE ON EMBASSY DIPLOMATIC LIST. THEREFORE THEY ARE CONCERNED RE PRECEDENT OF GIVING ADVISOR "PRIVILEGES" ACCORDED TO EMBASSY DIPLOMATIC STAFF. RATHER, ACCORDING TO AL-SABAH, MINISTRY HAS LIST OF RIGHTS AND PRIVILEGES ACCORDED TO ALL FOREIGN GOVERNMENT EMPLOYEES IN EFFECT ON SECONDMENT HERE AND WOULD PROPOSE THAT SAME BE ACCORDED US CUSTOMS ADVISOR.

WE FOR OUR PART ARE UNCLEAR AS TO MEANING OF THIS PARA SINCE IT REFERS TO LOCAL GOVERNMENT PROVIDING SAME PRIVILEGES ETC. PROVIDED "BY THE US GOVERNMENT" REPEAT "BY THE US GOVERNMENT" TO EMBASSY EMPLOYEES. CLEARLY IF WHAT IS MEANT IS NORMAL HOUSEKEEPING ADMINISTRATIVE SUPPORT THEN THIS IS NO PROBLEM. NOT ONLY ARE SUCH ITEMS OUTLINED EARLIER IN AGREEMENT, BUT WE SURE IN THAT IN PRACTICE LOCAL AUTHORITIES WILL BE MORE THAN GENEROUS. BUT IF THAT IS MEANING, WHY PARA VII AT ALL? IF IT DOES REFER TO THINGS SUCH AS DIPLOMATIC IMMUNITY, THESE ARE ITEMS GRANTED NOT BY USG BUT BY HOST GOVERNMENT TO EMBASSY EMPLOYEES. IF THIS IS WHAT IS BEING REFERRED TO, PARA SHOULD BE RE-WRITTEN AND FONMINISTRY CONCERNS WILL HAVE TO BE DISCUSSED.

(C) FINALLY, MINISTRY REPORTEDLY WANTS AGREEMENT TO BE IN ARABIC AS WELL AS ENGLISH. DCM NOTED THAT HE THOUGHT THAT WOULD BE ACCEPTABLE SO LONG AS IN CASE OF DISPUTE ENGLISH TEXT TOOK PRECEDENCE. HE NOTED THAT FOR TEXTS TO BE EQUAL WOULD UNDOUBTEDLY REQUIRE SUBMISSION OF ARABIC VERSION TO WASHINGTON AND INVOLVEMENT OF TRANSLATORS AND LAWYERS. AL-SABAH INDICATED HE HOPED THIS COULD BE AVOIDED SINCE HE DEFINITELY WISHES SIGN BEFORE END OF MONTH. DCM NOTED WE LIKEWISE WISHED MOVE AHEAD AND PROMISED TO INQUIRE AS TO WASHINGTON VIEWS ON LANGUAGE QUESTION.

4. ACTION REQUESTED: UNTIL WE HEAR DIRECTLY FROM FONMINISTRY, ALL POINTS PARA 3 ARE TENTATIVE. HOWEVER, IN INTERESTS EXPEDITING THIS MATTER, WE WOULD APPRECIATE DEPT'S PRELIMINARY VIEWS PARTICULARLY RE PARA VII AND ANY INSTRUCTIONS AS TO HOW WE SHOULD RESPOND IF AND WHEN FORMAL APPROACH IS MADE. CLEARLY, IF WE HAVE GONE WRONG IN LATEST CHANGES WE MADE IN BUDGET PLAN WE WOULD LIKEWISE APPRECIATE NOTIFICATION SOONEST.

5. SUBSEQUENT DRAFTING ABOVE, DCM RECEIVED TELEPHONE CALL LIMITED OFFICIAL USE

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NOV. 4 FROM AL-SABAH CONFIRMING THAT THERE IS NO PROBLEM REMAINING ON FINANCIAL SIDE OF AGREEMENT AND SPECIFICALLY ASKING IF IT MIGHT NOT BE POSSIBLE TO SIGN THAT ASPECT--I.E. THE BUDGET ANNEX--AND LEAVE OTHER DETAILS TO BE THRASHED OUT BY FONMINISTRY AND EMBASSY/WASHINGTON AS NEED BE. AL-SABAH REITERATED AGAIN HIS DESIRE TO GET THIS EXERCISE MOVING, AND SPECIFICALLY TO HAVE IT SIGNED BEFORE HE WENT OFF FOR THREE WEEKS AT END OF NOVEMBER. DCM RESPONDED THAT HE BELIEVED WASHINGTON WOULD WANT TO KEEP PACKAGE AS ONE, BUT THAT HE WOULD CONVEY OFFER AND AT MINIMUM URGE THAT EVERYTHING BE DONE TO EXPEDITE RESOLUTION OF DIFFERENCES.
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